

10/077,669
Preliminary Amendment

PATENT

REMARKS/ARGUMENTS

Applicants have cancelled and replaced all claims in the application. The reason for this action, as discussed in a telephone conversation between the undersigned and the Examiner on March 18, 2004, is to clarify the numbering of the claims. All the claims in the application have been presented previously. However, there appears to have been some inconsistency in the numbering of the claims as between the first office action response and the second office action response. Therefore, while this could no doubt be sorted out, to avoid any confusion, Applicants have elected to replace all the claim with the set presented herein and, to avoid any confusion in reference to specific claim numbers, present herein a new number sequence.

The arguments presented in the Amendment after Final filed on October 30, 2003 applies to the claims presented herein and is incorporated in its entirety here.

Claim Rejections – 35 USC § 102: In the Office Action of September 2, 2003 in the patent case, the examiner rejected Claim 1 (now Claim 11) under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,700,036 to Smith III. ("the Smith, III patent"). Applicants respectfully disagree with the examiners interpretation of the Smith III patent, and the applicant's claim.

The applicant's invention concerns a wrapped-card assembly comprising a data-encoded card enclosed in a wrapping. The data encoded card comprises confidential and non-confidential information in a visible form. The said wrapping is made of a single material. The wrapping comprises

an opaque area which covers at least partially the confidential information ; and
a transparent area which covers at least partially the non-confidential information.

The wrapping is a sealed envelope. According to the Shorter Oxford English Dictionary (ISBN 0-19-860575-7) a sealed envelope is arranged for "completely enclosing a document".

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The Smith III patent discloses a wrapping comprising front and rear sheets placed in substantial congruent relation. The wrapping further comprises three sides 12, 13 and 14 that are continuously sealed, leaving a fourth side open to form a pocket between the front sheet and the rear sheet and to allow repeated insertion and removal of an insert (col 4, lines 42-46).

Therefore, the Smith III patent does not disclose a wrapping that is in the form of a sealed envelope.

Having a sealed envelope according to applicant's invention, which is still in its sealed state, provides the proof that nobody else has already read the confidential information (Applicant's specifications, page 4, lines 1-12).

Contrary to applicant's invention, the Smith III patent teaches that the fourth side has to remain open so as to allow repeated insertion and removal of the insert 8 (Smith III, col. 4, lines 42-46). Therefore, when reading the Smith III patent, an artisan of ordinary skill in the art would not sealed the fourth side.

None of the cited references do disclose a wrapping made of a single material which is a sealed envelope.

Claim 19 (previously Claim 4) recites analogous limitations to Claim 11 and is therefore also neither anticipated nor obvious over Smith III.

For this reason claim 11, claim 19 (previously Claim 4) and all their dependant claims should not be rejected neither under 35 USC §102, as being anticipated by the Smith III patent, nor under 35 USC §103 as being unpatentable over Smith III in view the cited references.

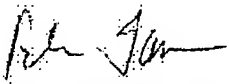
Applicants respectfully submit that the application is in condition for allowance and respectfully requests reconsideration of the application and its early allowance.

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If the Examiner deems that a telephonic interview would further the prosecution of the application, the Examiner is requested to call the undersigned.

Respectfully submitted


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